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Delores M. Nelson
Information and Privacy Coordinator
Central Intelligence Agency
Washington, DC 20505

Re: FOIA Request #F-2010-00021

Dear Ms. Nelson:

We have received your letter dated 13 November 2009 responding to our above indicated 29 September 2009 request. In it, you state that all responsive records are properly classified and withheld under Exemptions 1, 2, and 3. On 9 December 2009, I spoke with Richard in your office, who clarified that it was actually Exemption 2 (high), and that the withholding statute upon which you relied was Section 6 of the CIA Act. However, on that date and later attempts, Richard refused to provide any further information regarding the reasons that you invoked Exemptions 2 (high) or 3.

We appeal this decision. It seems unlikely that *all* of the records covered schedules pertaining to systems of records that are protected by the Privacy Act are properly classified, that *all* of them would pose a risk of circumvention of the law if they were known, and that *all* of them pertain to the organization and operation of the CIA. Some of these systems of records pertain to Parking Records, Personnel Records, EEO Records, and the like. While it is understandable that some of the *records* contained in these systems may be properly classified, it is illogical that *how long the CIA maintains them* is classified, poses a threat of circumvention of the law, and/or is inextricably tied to the organization and operation of the CIA.

We concede that virtually all of the responsive records may be partially exempt, but it is absurd to withhold them in their entirety. To clarify our position, though, we do not care about *how* records are disposed of, *where* they are disposed of, or *who* disposes of them. We are only interested in *how long* they are maintained and *what* their ultimate disposition is (destruction, transfer to NARA, etc.). In other words, we are seeking the information that *should* be included in the Privacy Act Systems of Records Notices. This information is easily segregable from the remainder of the records and should be released in its entirety, barring specific instances in which one of the exemptions would apply.

Thank you for your prompt attention to this matter.

Sincerely,



Kel McClanahan
Executive Director

FAX COVER SHEET

TO	Delores Nelson
COMPANY	CIA
FAX NUMBER	17036133007
FROM	Kelly McClanahan
DATE	2010-01-25 20:40:09 GMT
RE	FOIA request #F-2010-00021

COVER MESSAGE

Please accept the attached appeal of FOIA request #F-2010-00021.